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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/715,087 | 11/20/2000 | Akira Ishida | P101201-00009 | 7871 |

4372 7590 07/25/2005

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EXAMINER

IQBAL, KHAWAR

| ART UNIT | PAPER NUMBER |
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2686

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,087

Applicant(s)

ISHIDA, AKIRA

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 17 are rejected under 35 U.S.C. 102(b) as being unpatentable by Akihiro et al (JP 09-284200).

2. Regarding **claim 17** Akihiro et al teaches a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the controlling method comprising (figs. 2,17):

a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, judge if at least one of the following is satisfied: a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and a time lapse between the immediately preceding reception of the control signal exceeds a predetermined length; and (para. 0020-0025,0038,0043, 0066-0069); and

a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern (para. 0020-0025, 0066-0069).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11,12,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akihiro et al (JP 09-284200) and further in view of Hamabe et al (US 6731949).

Regarding **claim 15** Akihiro et al teaches a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the wireless base station comprising (figs. 1,3):

a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, judge if at least one of the following is satisfied: a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and a time lapse between the immediately preceding reception of the control signal exceeds a predetermined length; and (para. 0020-0025,0038, 0043, 0066-0069); and

a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern (para. 0020-0025, 0066-0069). Akihiro et al teaches field strength level is received,

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when a base station 2 measures beforehand the sending-signal level (RSSI_{mes}) of wireless terminal 11A (step S30) and call origination occurs (step S31). The level comparison with the threshold (RSSI_{th}) established beforehand is performed (step S32), and it is a threshold RSSI_{th}. If it becomes above, allocation processing of the Omni beam will be performed (step S33) (para. # 0038). Akihiro et al does not specifically teach in case where a reception field strength of the mobile station is high, control the wireless base station so that a transmission power is lowered temporarily.

In an analogous art, Hamabe et al teaches in case where a reception field strength of the mobile station is high, control the wireless base station so that a transmission power is lowered temporarily (for example, col. 4, lines 55-63, col. 6, lines 55-65, col. 7, lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Akihiro et al by specifically adding feature controlling transmission power in cellular mobile communication system in order to enhance control commands are formed for the base station to increase or decrease transmission power to a predetermined reference level as taught by Hamabe et al.

Regarding **claim 11** Akihiro et al teaches wherein the control signal transmitted to the specific mobile station includes a message representing a link channel establishing request, a link channel establishing re-request, a link channel allocation request, or a link channel allocation rejection (para. 0020-0025, 0066-0069).

Regarding **claim 12** Akihiro et al teaches wherein when the judging unit judges in the negative, the controlling unit controls the wireless base station so that the

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transmission using the array antenna pattern is performed with a raised transmission power (para. 0020-0025, 0066-0069).

Regarding **claim 16** Akihiro et al teaches the judgment unit makes the judgment when a link channel establishing request is received in immediately preceding reception (para. 0020-0025,0038, 0066-0069).

Response to Arguments

Applicant's arguments with respect to claims 11,12,15-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal



**CHARLES APPIAH
PRIMARY EXAMINER**